

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 17, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Mike Thew, Chief Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

Absent: David Johnson, Deputy County Attorney

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 10, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Equalization meeting dated October 10, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 2 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Lincoln Medical Education Foundation, Inc.
Nebraska Wesleyan University
Midwest District Missionary Church, Inc.
Rosemont Alliance Church
Saint Elizabeth Regional Medical Center**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Lincoln Medical Education Foundation, Inc., Nebraska Wesleyan University, Midwest District Missionary Church, Inc., Rosemont Alliance Church and Saint Elizabeth Regional Medical Center. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **NOTICE OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, October 31, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for Notice of Valuation Change for Omitted or Undervalued Property for the following:

**ANT L.L.C. (2 notices)
Ronald R. and Janice R. Skoda
Willard J. Spath
Zhou Zinhua & Zhang Xiaoman**

MOTION: Steinman moved and Heier seconded to set public hearings for Tuesday, October 31, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for Notice of Valuation Change for Omitted or Undervalued Property for Ant L.L.C. (2 notices), Ronald R. and Janice R. Skoda, Willard J. Spath and Zhou Zinhua & Zhang Xiaoman. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting until 3:10 p.m. when it was reconvened.

5) **REMOVAL OF A 451 TAX EXEMPTION ON REAL PROPERTY FOR 2000:**

Robert Flansburg, Chapter 7 DAV

Norm Agena, County Assessor, recommended the exemption be removed because the bar is open for business for 60 hours per week instead of 20 hours per week.

MOTION: Hudkins moved and Steinman seconded to accept the Assessor's recommendation and remove the 451 tax exemption on real property for 2000 for Robert Flansburg, Chapter 7 DAV. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

6) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Darrell J. and Beverly J. McGhghy

The Assessor recommended a new value of \$104,800 for 1999 and 2000.

MOTION: Workman moved and Steinman seconded to accept the Assessor's recommendation and set a new value of \$104,800 for 1999 and 2000 for Darrell J. and Beverly J. McGhghy. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

Robert Flansburg Chapter 7 DAV

The Assessor recommended a new value of \$172,801.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and set a new value of \$172,801. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

7) **APPEAL FILED ON PENALTY AGAINST PERSONAL PROPERTY FOR THE FOLLOWING:**

**Aramark Services, Inc.
Bodegas Alley Inc.
Concord Hospitality Inc.
Cura Capital Corporation
Economy Lodging Resources
Francotyp-Postalia
Hairtech
Harlan, Neal and Leon
Retail Acquisition & Development, Inc.
The Merchandise Mart, Inc.
Weil Mansion Bed & Breakfast**

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation to assess a 25 percent penalty (failure to file) against personal property for Aramark Services, Inc., Bodegas Alley Inc., Cura Capital Corporation, Economy Lodging Resources, Francotyp-Postalia, Hairtech, Neal and Leon Harlan, The Merchandise Mart, Inc. and Weil Mansion Bed & Breakfast and a 10 percent penalty (late filing) against personal property for Concord Hospitality Inc. and Retail Acquisition & Development, Inc. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

8) **APPROVAL OF A 451 TAX EXEMPTIONS ON PERSONAL AND REAL PROPERTY FOR 2000:**

The Catholic Bishop of Lincoln (2 exemptions)

MOTION: Steinman moved and Heier seconded approval of 451 tax exemptions on personal and real property for 2000 for The Catholic Bishop of Lincoln. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

9) **DENIAL OF A 451 TAX EXEMPTION ON PERSONAL PROPERTY FOR 2000:**

Church of the Awesome God

MOTION: Hudkins moved and Steinman seconded denial of a 451 tax exemption on personal property for 2000 for Church of the Awesome God. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

10) **ADJOURNMENT**

MOTION: Steinman moved and Hudkins seconded adjournment of the Board of Equalization meeting. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

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- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 17, 2000.**

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award for Lorraine Harre, an employee with the Clerk of the District Court's office. (M-00-94)

MOTION: Hudkins moved and Steinman seconded approval of a step increase to C16, Step 2 for Lorraine Harre, an employee with the Clerk of the District Court's office. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **OLD BUSINESS:**

A. A master agreement for treasury management services with Wells Fargo Bank for treasury management services. Fees for services are more particularly provided in the service documents. Contract may be terminated with 30 days notice. (C-00-459)

Mike Thew, Chief Deputy County Attorney, indicated that attempts to solve problems with the agreement have been unsuccessful to date. He explained that all of the County's banking services are now conducted by Wells Fargo Bank and will continue to be conducted by Wells Fargo until the County is able to find another bank to perform those services. Thew stated the County would be unable to go for any substantial period of time without certain banking services. He added that it is his understanding that the County Treasurer's office and the Purchasing Department are compiling requests for proposals to obtain another contractor to provide those services.

Campbell suggested a letter accompany the agreement indicating the concerns of the County Board.

In response to a question asked by Steinman regarding the 30 day termination notice, Thew stated the County Board could maintain that option if they proceed with the current agreement.

MOTION: Workman moved and Hudkins seconded approval of a master agreement for treasury management services contingent upon a letter accompanying the agreement delineating the County Board's concerns and indicating that the County Board may exercise the option of giving a 30 day termination notice. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. An application for a Special Designated License from Cutch Inc. doing business as Bum Steer to hold a wedding reception on Saturday, October 28, 2000 from 4:30 p.m. to 12 a.m. at Boss Hog's Party Barn, located at 6305 West Adams Street in Lancaster County, Nebraska.

MOTION: Steinman moved and Heier seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

B. A Joint Public Agency agreement creating the Lancaster County Fairgrounds Joint Public Agency between Lancaster County and the Lancaster County Agricultural Society. (C-00-516)

Heier stated he felt the document before the County Board was a good agreement and meets the goals and needs of the situation.

Steinman reiterated that she made a promise after the County Board first voted on funds to support the Agricultural Society that she would not vote in favor of additional appropriations regarding the Events Center. She stated she would be voting against the both the Joint Public Agency Agreement and the Facilities Agreement even though she feels the agreement is well done and will better serve the citizens.

MOTION: Hudkins moved and Heier seconded approval of the Joint Public Agency agreement.

Hudkins stated he felt it is a good agreement and that it will bring a great deal of return to Lincoln and Lancaster County.

Workman stated that there are many checks and balances built into the agreement and that the return investment will be substantial in future years.

Campbell stated she wanted the agreement to contain some form of accountability for the citizens of Lancaster County and also require a report each year to the public. She stated she would be supporting the agreement because she feels it does provide for accountability.

ROLL CALL: Workman, Campbell, Hudkins and Heier voted aye. Steinman voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

C. A Facilities Agreement between Lancaster County Fairgrounds Joint Public Agency and the Lancaster County Agricultural Society for operation of the Lancaster County Agricultural Society Events Center. (C-00-517)

Lauren Wismer, Cline, Williams, Wright, Johnson & Oldfather law firm, stated that Lancaster County is not a party to the Facilities Agreement, however, four votes are required on the part of the agency to approve the Facilities Agreement. He said it also provides for the County Board to direct their representatives as to how they are to vote on the agreement.

MOTION: Heier moved and Hudkins seconded to direct the County Board representatives to vote in favor of the Facilities Agreement. Heier, Workman, Hudkins and Campbell voted aye. Steinman voted no. Motion carried.

D. An agreement with Gateway Associates to register voters in the common area of Gateway Mall on Thursday, October 26, 2000 from 3 p.m. to 8 p.m. and on Friday, October 27, 2000 from 12 p.m. to 6 p.m. (C-00-510)

MOTION: Workman moved and Hudkins seconded approval.

Mike Thew, Chief Deputy County Attorney, requested that the agreement be deferred for one week for further review.

Both the maker of the motion and the seconder withdrew their motion.

By direction of the Chair, the agreement was deferred for one week.

E. An agreement with LLC Family Resource Center for care coordination using wraparound services for youth and their families, beginning October 1, 2000 and ending September 30, 2001. The County will pay \$50,000 for the services. (C-00-509)

MOTION: Heier moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

F. A contract with the Center for Rural Affairs for the maintenance of three of the County's Rural Enterprise Assistance Projects (REAP), beginning October 1, 2000 and ending September 30, 2002. The County will pay \$39,000. (C-00-507)

Troy Gagner, Urban Development, appeared and stated he had asked Jeff Reynolds, Rural Enterprise Assistance Projects, to give a brief update regarding the program.

Reynolds gave a brief presentation regarding the Rural Enterprise Assistance Project (REAP) program and stated it is the economic commitment to rural communities working with small businesses. He stated there are currently three associations within Lancaster County: Bennet, Martell and Waverly. Reynolds added they would like to form a fourth association in the northwest quadrant of the County.

Reynolds said there is a peer group membership of 41 individuals, with 14 loan review committee representatives. Six loans have been facilitated over the past two years.

MOTION: Steinman moved and Heier seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

G. A Harvest Project contract with CenterPointe for professional staff and delivery of services for the elderly, beginning July 1, 2000 and ending June 30, 2001. The County will pay \$37,412 for the services. (C-00-511)

MOTION: Steinman moved and Hudkins seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

H. A grant contract with the Indian Center, Inc. for the "Reclaiming Native American Youth in Lincoln" project, beginning September 1, 2000 and ending August 31, 2001. The County will pay \$40,000. (C-00-512)

MOTION: Workman moved and Hudkins seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- I. An agreement with Clyde Malone Community Center for wraparound services for youth and their families, beginning September 1, 2000 and ending August 31, 2001. The County will pay \$50,000 for the services. (C-00-514)**

MOTION: Steinman moved and Heier seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- J. A lease agreement with S & V Homebuilders to lease approximately 3,231 square feet in a building located at 315 South 9th Street, Suite 200 and ten parking spaces. The agreement is a three year agreement from November 1, 2000 to October 31, 2003. The County will pay \$2,825 per month for the first year, \$2,873 per month for the second year and \$2,921 per month for the third year. (C-00-513)**

Mike Thew, Chief Deputy County Attorney, requested that the agreement be deferred for one week.

By direction of the Chair, the agreement was deferred for one week.

- K. A three year contract with PharMerica for intravenous and nutritional infusion services for Lancaster Manor, with an option to renew for an additional three year period. Compensation for prescription and non-prescription items shall be in compliance with the Nebraska Department of Public Welfare's published fee schedule. (C-00-518)**

MOTION: Hudkins moved and Workman seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- L. An amendment to a temporary license agreement (99-1234) with Level 3 Communications. The amendment extends the term until January 11, 2001 or 60 days after the County adopts its Telecommunications Enabling Resolution. (C-00-515)**

MOTION: Hudkins moved and Steinman seconded approval.

In response to a question asked by Campbell regarding the telecommunications enabling resolution, Kerry Eagan, Chief Administrative Officer, stated the City of Lincoln was working on their version of the resolution. He indicated he would check on the status of the City's resolution and request Dave Johnson, Deputy County Attorney, to follow up on the County's resolution.

5) **NEW BUSINESS CONTINUED:**

For the record, Campbell noted that she holds stock in Level 3 Communications, as do Commissioners Heier and Workman.

ROLL CALL: Heier, Campbell, Steinman, Hudkins and Workman voted aye.
Motion carried.

M. A resolution amending the 2000 through 2005 fiscal One and Six-Year Lancaster County Road and Bridge Improvement Program to add to the One Year Plan the paving of Alysheba Lane beginning at South 112th Street and ending 450 feet east of South 112th Street in Lancaster County, Nebraska. (R-00-126)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-126.

Campbell noted that the cost of the paving would be at the expense of the homeowners who live on Alysheba lane.

ROLL CALL: Steinman, Workman, Heier, Campbell and Hudkins voted aye.
Motion carried.

N. A contract with Phillip Mullin and Tom Green to pave Alysheba Lane in the Windhoek Addition from the east right-of-way line of South 112th Street and end at the east end of Alysheba Lane. The County will be responsible for oversight of the project to ensure it meets County standards. (C-00-506)

MOTION: Heier moved and Hudkins seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

O. Statement from the County Board to the Nebraska Liquor Control Commission regarding hearings for the liquor license at 640 West Prospector Court in Lancaster County, Nebraska.

MOTION: Hudkins moved and Workman seconded approval.

Mike Thew, Chief Deputy County Attorney, stated their office did not assist the County Board in preparing the statement.

Campbell added they would be reading the letter to the Nebraska Liquor Control Commission at an 8:30 a.m. appointment on Thursday, October 19, 2000.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Hudkins, Steinman, Workman, Heier and Campbell voted aye.
Motion carried.

P. Recommendation from the Purchasing Agent and the County Sheriff to award a bid off the State contract for the purchase of six 2001 Ford Crown Victoria Police Interceptor pursuit vehicles to Tincher Ford-Mercury, Inc., in the total amount of \$123,183. (B-00-40)

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Q. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Northwood Specialty Company, in the amount of \$10,433.75, for the purchase of "Aspen/Basswood" snow fence. (B-00-41)

MOTION: Steinman moved and Hudkins seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

R. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Vegetation Management Supply, Inc., in the amount of \$10,315.20, for the purchase of "Dow" brush killer. (B-00-42)

MOTION: Steinman moved and Hudkins seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

S. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) for the Public Defender's office, beginning November 1, 2000 and ending November 1, 2001, in the amount of \$6,375. (M-00-88)

MOTION: Workman moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

T. A refund request of personal property taxes for 1999 from Mark Eley, on behalf of Reel Quick, Inc., in the approximate amount of \$7,757. (M-00-95)

MOTION: Steinman moved and Hudkins seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. Lancaster Manor's Monthly Report**
- 2. Records & Information Management's Monthly Report for September, 2000.**
- 3. Register of Deeds Monthly Report for September, 2000.**
- 4. Sheriff's Report of Fees for September, 2000.**

B. Setting of a public hearing for Tuesday, October 24, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a resolution approving \$6,500,000 of Variable Rate Demand Industrial Development Revenue Bonds, Series 2000 (Garner Industries, Inc. Project) and approving a lease and agreement, trust indenture and related documents.

C. Setting of a public hearing for Tuesday, October 31, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a proposal for the issuance by the County of its Variable Rate Demand Industrial Development Revenue Bonds (Lincoln Machine, Inc. Project), in the amount of \$3,400,000.

D. A resolution in the matter of Comprehensive Plan Amendment 94-45, requested by the Director of Planning, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to incorporate by reference the "Greater Arnold Heights Area Neighborhood Plan" and to amend the Lincoln Land Use Plan accordingly. (R-00-127)

E. A resolution in the matter of County Change of Zone 202 for a text amendment to the Lancaster County Zoning Regulations to define and allow "sexually oriented live entertainment establishments" as a permitted special use in the "I" Industrial district. (R-00-129)

F. A resolution in the matter of amending County Board Resolution 2832 regulating individual sewage-disposal systems in Lancaster County, amending the fees. (R-00-130)

6) **CONSENT ITEMS CONTINUED:**

G. A right-of-entry agreement between the Lancaster County Engineer and Erich and Janet Broer for construction of a field entrance on Southwest 40th Street; Project 55-L-403(1). (C-009-508)

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

7) **EMERGENCY ITEMS:**

A. Addition of an emergency item for the purchase and installation of a 25 ton compressor for the heating and cooling system serving the Cooperative Extension Building located at 444 Cherrycreek Road. (B-00-43)

MOTION: Steinman moved and Hudkins seconded to add an emergency item for the purchase and installation of a 25 ton compressor for the heating and cooling system serving the Cooperative Extension Building. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, indicated that the compressor for the heating and cooling system at the Cooperative Extension Building stopped functioning last week. He explained that a bid was obtained by Cooperative Extension. Eagan added that he had requested Gary Bergman, Cooperative Extension, contact Larry Schauer in the Purchasing Department.

Larry Schauer, Purchasing Department, indicated his department was not contacted until late Monday afternoon. He stated they have received no quotations and that they have not reviewed any information which Cooperative Extension obtained. Schauer noted that the suggested vendor, Krauter-Bosn Service Company, is not one of the contracted vendors.

Mike Thew, Chief Deputy County Attorney, explained that the County Purchasing Act requires the competitive sealed bidding process be used when the purchase is over \$10,000. Three informal bids are required for purchases exceeding \$2,500, but under \$10,000.

Thew recommended that the contract provider be contacted regarding their availability. If the contract provider is not available, he said, three informal bids would be needed.

7) **EMERGENCY ITEMS CONTINUED:**

In response to a question asked by Steinman, Eagan stated he didn't believe the contract provider had been contacted.

Steinman suggested that Gary Bergman, Cooperative Extension, be contacted regarding whether the contract provider had been contacted.

Campbell suggested that a brief Staff meeting could be held on Friday, October 20, 2000, following the Commons meeting regarding the compressor.

MOTION: Steinman moved and Heier seconded to hold a Staff meeting on Friday, October 20, 2000 immediately following the Commons meeting regarding the compressor. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

OTHER BUSINESS:

Robert Valentine, 2660 Park Avenue, appeared and asked if any of the County Board members had examined the financial audit for the Agricultural Society.

Heier stated it was his understanding that an audit is conducted every year during the month of November.

Valentine stated his concern was that someone in authority take a hard look at the Agricultural Society's record prior to the County Board entering into the Joint Public Agency agreement.

Steinman urged Valentine to become a member of the Ag Society and to encourage his radio listening audience to become involved in the Ag Society.

8) **ADJOURNMENT**

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk